

3 Main Document  
11006130

**CIVIL COVER SHEET**

JS 44C/SDNY  
REV. 1/97  
WEB 4/99

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Securities Investor Protection Corporation

**DEFENDANTS**

Bernard L. Madoff Investment Securities LLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Attorneys for Appellant Saucelle Investment SA Panama  
Withers Bergman LLP, 430 Park Avenue, 10<sup>th</sup> Floor  
New York, NY 10022, 212-848-9800

ATTORNEYS (IF KNOWN)  
Attorneys for Trustee/Appellee  
Baker & Hostetler LLP, 45 Rockefeller Plaza  
New York NY 10111 212-589-4200

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)**

28 U.S.C. § 158: appeal from decision and order of U.S. Bankruptcy Court

Has this or a similar case been previously filed in SDNY at any time? No?  Yes?  Judge Previously Assigned Denise L. Cote

If yes, was this case Vol.  Invot.  Dismissed. No  Yes  If yes, give date & Case No.

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT 08-1789 #4233

#### ACTIONS UNDER STATUTES

CONTRACT	TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
	PERSONAL INJURY	PERSONAL INJURY	[ ] 610	AGRICULTURE	[ ] 422	APPEAL	[ ] 400	STATE REAPPORTIONMENT
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 620	FOOD & DRUG	28 USC 158		[ ] 410	ANTITRUST
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT LIABILITY	[ ] 365 PERSONAL INJURY PRODUCT LIABILITY	[ ] 625	DRUG RELATED SEIZURE OF PROPERTY	[ ] 1423	WITHDRAWAL	[ ] 430	BANKS & BANKING
[ ] 130 MILLER ACT	[ ] 320 ASSAULT, LIBEL & SLANDER	[ ] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	21 USC 881		28 USC 157		[ ] 450	COMMERCE/ACC RATES/ETC
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	[ ] 369 LIQUOR LAWS				PROPERTY RIGHTS	[ ] 460	DEPORTATION
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 340 MARINE LIABILITY	[ ] 370 OTHER FRAUD	[ ] 640	RR & TRUCK	[ ] 820	COPYRIGHTS	[ ] 470	RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 371 TRUTH IN LENDING	[ ] 650	AIRLINE REGS	[ ] 830	PATENT		(RICO)
[ ] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[ ] 350 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL PROPERTY LIABILITY	[ ] 660	OCCUPATIONAL SAFETY/HEALTH	[ ] 840	TRADEMARK	[ ] 810	SELECTIVE SERVICE
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 355 MOTOR VEHICLE	[ ] 385 PROPERTY DAMAGE PRODUCT LIABILITY		OTHER			[ ] 850	SECURITIES/ COMMODITIES/ EXCHANGE
[ ] 160 STOCKHOLDERS SUITS	[ ] 360 OTHER PERSONAL INJURY	[ ] 710 FAIR LABOR STANDARDS ACT	[ ] 861	MIA (1395FF)	[ ] 875	CUSTOMER CHALLENGE		
[ ] 190 OTHER CONTRACT		[ ] 720 LABORMGMT RELATIONS	[ ] 862	BLACK LUNG (923)	12 USC 3410			
[ ] 195 CONTRACT PRODUCT LIABILITY		[ ] 730 LABORMGMT REPORTING & DISCLOSURE ACT	[ ] 863	DIWC (405(g))	[ ] 891	AGRICULTURE ACTS		
	ACTIONS UNDER STATUTES		[ ] 740	RAILWAY LABOR ACT	FEDERAL TAX SUITS	[ ] 892	ECONOMIC STABILIZATION ACT	
			[ ] 790	OTHER LABOR LITIGATION	[ ] 870 TAXES	[ ] 893	ENVIRONMENTAL MATTERS	
				EMPL RET INC SECURITY ACT	[ ] 871 IRS-THIRD PARTY	[ ] 894	ENERGY ALLOCATION ACT	
					20 USC 7609	[ ] 895	FREEDOM OF INFORMATION ACT	
						[ ] 900	APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE	
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	[ ] 791			[ ] 950	CONSTITUTIONALITY OF STATE STATUTES	
[ ] 210 LAND CONDEMNATION	[ ] 441 VOTING	[ ] 510 MOTIONS TO VACATE SENTENCE				[ ] 890	OTHER STATUTORY ACTIONS	
[ ] 220 FORECLOSURE	[ ] 442 EMPLOYMENT	20 USC 2255						
[ ] 230 RENT LEASE & EJECTMENT	[ ] 443 HOUSING ACCOMMODATIONS	[ ] 530 HABEAS CORPUS						
[ ] 240 TORTS TO LAND	[ ] 444 WELFARE	[ ] 535 DEATH PENALTY						
[ ] 246 TORT PRODUCT LIABILITY	[ ] 440 OTHER CIVIL RIGHTS	[ ] 540 MANDAMUS & OTHER						
[ ] 290 ALL OTHER REAI PROPERTY		[ ] 550 CIVIL RIGHTS						
		[ ] 555 PRISON CONDITION						

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_

JUDGE Denise L. Cote

DOCKET NUMBER 11-cv-05683

Check YES only if demanded in complaint  
**JURY DEMAND:**  YES  NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

1 Original Proceeding  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from (Specify District)  6 Multidistrict Litigation  7 Appeal to District Judge from Magistrate Judge Judgment

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

1 U.S. PLAINTIFF  2 U.S. DEFENDANT  3 FEDERAL QUESTION (U.S. NOT A PARTY)  4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 1	DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF <input type="checkbox"/> 3 <input checked="" type="checkbox"/> 3	DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2 <input type="checkbox"/> 2		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4		FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6	

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Appellant: Saucelle Investment SA Panama  
Withers Bergman LLP  
c/o Dara G. Hammerman  
430 Park Avenue, 10th Floor  
New York, N.Y. 10022  
212-848-9800

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES) (Calendar Rule 4(A))

Appellee/Trustee:  
Baker & Hostetler LLP  
c/o Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC  
45 Rockefeller Plaza  
New York, N.Y. 10111

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  WHITE PLAINS  FOLEY SQUARE  
(DO NOT check either box if this a PRISONERPETITION.)

DATE 8/22/11 SIGNATURE OF ATTORNEY OF RECORD Dara Hammerman  
RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
 NO  
 YES (DATE ADMITTED Mo. Oct. Yr. 2008)  
Attorney Bar Code # 1591

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

James M. Parkison, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)